REMARKS

The Office Action mailed July 12, 2007, has been received and reviewed. Claims 5-7, 15, 17-20, 26, 33, 36 and 38 are currently pending in the application. Claims 5,-7, 15, 17-20, 26, 33, 36 and 38 stand rejected. Applicants have amended independent claims 18-20, 36 and 38, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 5,671,223 to Shacher et al. in view of U.S. Patent No. 6,788,652 to Hwang and further in view of U.S. Patent No. 6,249,525 to Aggarwal et al.

Claims 5, 26 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,671,223 to Shacher et al. ("Shacher") in view of U.S. Patent No. 6,788,652 to Hwang ("Hwang") and further in view of U.S. Patent No. 6,249,525 to Aggarwal et al. ("Aggarwal").

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974); *see also* MPEP § 2143.03. Additionally, there *must be "a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Finally, to establish a *prima facie* case of obviousness there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, the reason that would have prompted the combination and the reasonable expectation of success must be found in the prior art, common knowledge, or the nature of the problem itself, and not based on the Applicant's disclosure. *DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006); MPEP § 2144. Underlying the obvious determination is the fact that statutorily prohibited hindsight cannot be used. *KSR*, 127 S.Ct. at 1742; *DyStar*, 464 F.3d at 1367. Additionally, "it is impermissible to use the claimed invention as an instruction manual or

'template' to piece together the teaching of the prior art so that the claimed invention is rendered obvious . . . . One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fritch, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

The 35 U.S.C. § 103(a) obviousness rejections of claims 5, 26 and 33 are improper because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that there must be a reason that would have prompted a person of ordinary skill in the art to combine the elements in the manner claimed and the reason may not be based on Applicants' disclosure.

Claim 5

Applicants' independent claim 5, recites:

> 5.   *A deframer* for a wireless communication device, comprising:
> an input interface unit operative to receive data to be deframed in one or more Radio
>   Link Protocol (RLP) packets;
> a detection unit operative to evaluate each data byte from the input interface unit to detect
>   for bytes of specific values, the *detection unit is operative to detect for flag and
>   escape bytes on the received data*;
> *a state control unit* operative to provide a first set of control signals indicative of specific
>   task to be performed for deframing based in part on the detected bytes of specific
>   values; and
> *a conversion unit operative to deframe the received data based on the first set of
>   control signals to provide deframed data, the conversion unit being operative to
>   remove flag and escape bytes in the received data.* (Emphasis added.)

The Office Action alleges:

> For claim 5, Shacher et al. discloses ... *a state control unit* (figure 9, reference
>   *312*) operative to provide a first set of control signals indicative of specific
>   tasks to be performed for deframing based in part on the detected byes of
>   specific values (col. 12 lines 27-57). (Office Action, p. 3, emphasis
>   added.)

The Office Action then concedes:

> Furthermore, Shacher et al. in view of Hwang *do not expressly disclose the
>   conversion unit being operative to remove flag and escape bytes in the
>   receive data and the detection unit is operative to detect for escape bytes
>   in the received data.* (Office Action, p. 4; emphasis added.)

Applicants respectfully agree that Shacher and Hwang do not teach removal of the flag and escape characters *in a conversion unit* since Shacher discloses that such a function is state machine-based and occurs in Shacher's transfer control circuit 312 which was alleged to be analogous to Applicants' "state control unit." Specifically, Shacher teaches "FIGS. 11-13 are flow charts showing a virtual implementation of the Deframer [and] [t]he flow charts are included to show the interrelationships between and among the various components in FIG. 10" (Shacher, col. 13, lines 62-65) and "[t]he Rx Main Transfer Control Circuit 312 implements the FIG. 10 state machine" (Shacher, col. 12, lines 50-51). Note the Office Action alleged Shacher's transfer control circuit 312 taught Applicants' "a state control unit." Therefore according to the Office Action allegations, Applicants' "state control unit" would then be "operative to deframe the received data based on the first set of control signals to provide deframed data" rather than Applicants' claimed invention of "the conversion unit being operative to remove flag and escape bytes in the received data."

The Office Action then introduces Aggrawal and alleges:

> Aggarwal et al. disclose remove flag and escape bytes in the received data (col. 13 line 68 to col. 14 line 14), and the detection unit is operative to detect for escape byes in the received data (col. 1 lines 43-44). (Office Action, p. 4).

Applicants respectfully assert that regardless of the teachings of Aggarwal, the alleged supplemental teachings of Aggrawal to "remove flag and escape bytes in the received data [] and the detection unit is operative to detect for escape byes in the received data" are already taught in Shacher, but in a different part of the data flow than is claimed by Applicants. Therefore, there is no motivation nor would a person of ordinary skill in the art have a reason to provide redundant functionality by combining the reference as alleged in the Office Action.

Furthermore, if according to the teachings of Shacher the flag and escape bytes were already removed in Shacher's transfer control unit circuit 312 which was alleged to teach Applicants' claimed element of "a state control unit", then there would be **no reason or motivation to combine** any redundant teachings of Aggrawal to provide a functionality that

would be extraneous and redundant since flag and escape bytes were previously removed in Shacher's transfer control unit circuit 312 and the "received data" at the "conversion unit" would contain no such flag or escape characters in need of being removed.

Furthermore, there would be not only **no** *"reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements"* in the manner claimed, as required for a prima facie obviousness rejection under 35 U.S.C. § 103, there would be a **disincentive to combine** the references since the functionality already exists in Shacher without the combination of Aggrawal, albeit in functional elements and a data flow order different from Applicants' claimed invention. KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Accordingly, the rejection of independent claim 5 is improper and Applicants respectfully request the rejection be withdrawn.

Claim 26

Applicants' independent claim 26, recites:

26. *A framer* for a wireless communication device, comprising:
an input interface unit operative to receive data to be framed in one ore more Radio Link
    Protocol (RLP) packets;
a detection unit operative to evaluate each data byte from the input interface unit to detect
    for bytes of specific values;
a state control unit operative to provide a first set of control signals indicative of specific
    task to be performed for framing based in part on the detected bytes of specific
    values; and
*a conversion unit operative to frame the received data based on the first set of control
    signals and to provide framed data, the conversion unit is operative to insert an
    escape byte upon detection of a data byte having one of the specific values.*
    (Emphasis added.)

The Office Action alleges:

> For claim 26, Shacher et al. discloses ... *a state control unit* (figure 9, reference
> *312*) operative to provide a first set of control signals indicative of specific
> tasks to be performed for deframing [sic] based in part on the detected
> byes of specific values (col. 12 lines 27-57). (Office Action, p. 5,
> emphasis added.)

The Office Action then concedes:

> Furthermore, Shacher et al. in view of Hwang *do not expressly disclose the conversion unit is operative to insert an escape byte upon detection of a data byte having one of the specific values.* (Office Action, p. 6; emphasis added.)

Applicants respectfully agree that Shacher and Hwang do not teach insertion of an escape byte *in a conversion unit* since Shacher discloses that such a function is state machine-based and occurs in Shacher's transfer control circuit 312 which was alleged to be analogous to Applicants' "state control unit." Specifically, Shacher teaches "FIGS. 15 through 17 are flow charts showing a virtual implementation of the Framer 112" (Shacher, col. 17, lines 8-9). However, a block diagram of a Framer is not disclosed in Shacher that corresponds to the Deframer block diagram of FIG. 9. Accordingly, any teachings in Shacher regarding a framer, are less supported than for the deframer as applied above to Applicants' claim 5. Accordingly, Applicants herein sustain the above-proffered arguments that any such framing and deframing functionality as allegedly taught by Shacher, occurs in a control circuit, such as Shacher's transfer control circuit 312, which the Office Action alleges teaches Applicants' "state control unit." Therefore, there is **no reason or motivation to combine** any teachings of Aggrawal to provide a functionality that is extraneous and redundant since any flag and escape bytes would be inserted by Shacher's transfer control unit circuit 312 and the "received data" at the "conversion unit" would already contain such flag or escape characters.

Accordingly, there would be not only **no** *"reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements"* in the manner claimed, as required for a prima facie obviousness rejection under 35 U.S.C. § 103, there would be a **disincentive to combine** the references since the functionality already exists in Shacher without the combination of Aggrawal, albeit in functional elements and a data flow order different from Applicants' claimed invention. KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Accordingly, the rejection of independent claim 26 is improper and Applicants respectfully request the rejection be withdrawn.

Claim 23

Applicants' independent claim 23, recites:

33.   *A framer* for a wireless communication device, comprising:
an input interface unit operative to receive data to be framed in one or more Radio Link
        Protocol (RLP) packets;
a detection unit operative to evaluate each data byte from the input interface unit to detect
        for bytes of specific values;
a state control unit operative to provide a first set of control signals indicative of
        specific tasks to be preformed for framing based in part on the detected bytes of
        specific values; and
*a conversion unit operative to frame the received data based on the first set of control
        signals and to provide framed data*; wherein the framer is in one of a plurality of
        operating states at any given moment, and wherein the operating states include an
        idle state indicative of no framing being preformed and a process state indicative
        of framing being preformed, the operating states further include an escape state
        indicative of processing for an escape byte. (Emphasis added.)

The Office Action alleges:

> For claim 33, Shacher et al. discloses ... *a state control unit* (figure 9, reference
> *312*) operative to provide a first set of control signals indicative of specific
> tasks to be performed for deframing [sic] based in part on the detected
> byes of specific values (col. 12 lines 27-57). (Office Action, p. 7,
> emphasis added.)

The Office Action then concedes:

> Furthermore, Shacher et al. in view of Hwang *do not expressly disclose wherein
> the framer is in one of a plurality of operating states at any given
> moment, and wherein the operating states include an idle state
> indicative of no framing being performed and a process state indicative
> of framing being performed, the operating states further include an
> escape state indicative of processing for an escape byte..* (Office Action,
> p. 8; emphasis added.)

Applicants respectfully assert that Applicants' invention as presently claimed recites, in
part, "a state control unit" and separately "*a conversion unit operative to frame the received
data* based on the first set of control signals". Accordingly, Applicants herein sustain the above-

proffered arguments that any such framing and deframing functionality as allegedly taught by Shacher, occurs in a control circuit which the Office Action alleges teaches Applicants' "state control unit." Therefore, there is **no reason or motivation to combine** any teachings of Aggrawal to provide a functionality that is extraneous and redundant since flag and escape bytes would be inserted in Shacher's transfer control unit circuit 312 and the "received data" at the "conversion unit" would already contain such flag or escape characters.

Accordingly, there would be not only **no** *"reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements"* in the manner claimed, as required for a prima facie obviousness rejection under 35 U.S.C. § 103, there would be a **disincentive to combine** the references since the functionality already exists in Shacher without the combination of Aggrawal, albeit in functional elements and a data flow order different from Applicants' claimed invention. KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Accordingly, the rejection of independent claim 33 is improper and Applicants respectfully request the rejection be withdrawn.

Obviousness Rejection Based on U.S. Patent No. 5,671,223 to Shacher et al. in view of U.S. Patent No. 6,249,525 to Aggarwal et al.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shacher in view of Aggarwal.

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974); *see also* MPEP § 2143.03. Additionally, there **must be "a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed.** *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Finally, to establish a *prima facie* case of obviousness there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, the reason that would have prompted the combination and the reasonable expectation of success must be found in the prior art, common

knowledge, or the nature of the problem itself, and not based on the Applicant's disclosure. *DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006); MPEP § 2144. Underlying the obvious determination is the fact that statutorily prohibited hindsight cannot be used. *KSR*, 127 S.Ct. at 1742; *DyStar*, 464 F.3d at 1367. Additionally, "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teaching of the prior art so that the claimed invention is rendered obvious . . . . One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fritch, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

The 35 U.S.C. § 103(a) obviousness rejection of claim 6 is improper because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that there must be a reason that would have prompted a person of ordinary skill in the art to combine the elements in the manner claimed and the reason is not based on Applicants' disclosure.

Claim 6

Applicants' independent claim 6, recites:

6. *A deframer* for a wireless communication device, comprising:
an input interface unit operative to receive data to be deframed;
a detection unit operative to evaluate each data byte from the input interface unit to detect
 for bytes of specific values and operative to detect for and remove flag and escape
 bytes in the received data;
a state control unit operative to provide a first set of control signals indicative of
 specific tasks to be performed for deframing based in part on the detected bytes of
 specific values; and
*a conversion unit operative to deframe the received data based on the first set of
 control signals* to provide deframed data and further operative to un-escape a data
 byte following each detected escape byte in the received data. (Emphasis added.)

The Office Action alleges:

> For claim 6, Shacher et al. discloses ... *a state control unit* (figure 9, reference
> *312*) operative to provide a first set of control signals indicative of specific
> tasks to be performed for deframing based in part on the detected byes of
> specific values. (col. 12 lines 27-57). (Office Action, pp. 9-10, emphasis
> added.)

The Office Action then concedes:

> Furthermore, Shacher et al. ***do not expressly disclose operative to detect for and remove escape bytes in the received data, an operative to un-escape a data byte following each detected escape byte in the received data.***
> (Office Action, p. 10; emphasis added.)

Applicants respectfully agree that Shacher does not teach removal of the escape characters, however, the Office Action is silent regarding such a process occurring in an element, namely ***in a conversion unit***, separate from "a state control unit" as claimed by Applicants. Applicants maintain the argument that Shacher teaches that deframing is state machine-based and occurs in Shacher's transfer control circuit 312 which was alleged to be analogous to Applicants' "state control unit." Specifically, Shacher teaches "FIGS. 11-13 are flow charts showing a virtual implementation of the Deframer [and] [t]he flow charts are included to show the interrelationships between and among the various components in FIG. 10" (Shacher, col. 13, lines 62-65) and "[t]he Rx Main Transfer Control Circuit 312 implements the FIG. 10 state machine" (Shacher, col. 12, lines 50-51). Note-the Office Action alleged Shacher's transfer control circuit 312 taught Applicants' "a state control unit." Therefore according to the Office Action's allegations, Applicants' "state control unit" would then be "operative to deframe the received data based on the first set of control signals to provide deframed data" rather than Applicants' claimed invention of "the conversion unit being operative to deframe the received data based on the first set of control signals to provide deframed data" as claimed by Applicants.

The Office Action then introduces Aggrawal and alleges:

> Aggarwal et al. disclose operative to detect for and remove escape bytes in the received data, and operative to un-escape a data byte following each detected escape byte in the received data (col. 13 line 65 to col. 14 line 14). (Office Action, pp. 10-11).

Applicants respectfully assert that regardless of the teachings of Aggarwal, the alleged supplemental teachings of Aggrawal to "remove escape bytes in the received data, and operative to un-escape a data byte following each detected escape byte in the received data" are already

taught in Shacher, but in a different part of the data flow than is claimed by Applicants. Therefore, there is no motivation nor would a person of ordinary skill in the art have a reason to provide redundant functionality by combining the reference as alleged in the Office Action.

Furthermore, if according to the teachings of Shacher the escape bytes were already removed in Shacher's transfer control unit circuit 312 which is alleged to teach Applicants' claimed element of "a state control unit", then there would be **no reason or motivation to combine** any teachings of Aggrawal to provide a functionality that is extraneous and redundant since escape bytes were previously removed in Shacher's transfer control unit circuit 312 and the "received data" at the "conversion unit" would contain no such escape characters in need of being removed.

Accordingly, there would be not only **no** *"reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements"* in the manner claimed, as required for a prima facie obviousness rejection under 35 U.S.C. § 103, there would be a **disincentive to combine** the references since the functionality already exists in Shacher without the combination of Aggrawal, albeit in functional elements and a data flow order different from Applicants' claimed invention. KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Accordingly, the rejection of independent claim 6 is improper and Applicants respectfully request the rejection be withdrawn.

Obviousness Rejection Based on U.S. Patent No. 5,671,223 to Shacher et al. in view of U.S. Patent No. 6,249,525 to Aggarwal et al. and further in view of W. Simpson RFC 1662

Claims 7, 17-20, 36 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shacher in view of Aggarwal and further in view of W. Simpson RFC 1662 ("W. Simpson").

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974); *see also* MPEP § 2143.03. Additionally, there *must be "a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 167

L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Finally, to establish a *prima facie*
case of obviousness there must be a reasonable expectation of success. *In re Merck & Co., Inc.*,
800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, the reason that would have prompted the
combination and the reasonable expectation of success must be found in the prior art, common
knowledge, or the nature of the problem itself, and not based on the Applicant's disclosure.
DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co., 464 F.3d 1356, 1367
(Fed. Cir. 2006); MPEP § 2144. Underlying the obvious determination is the fact that statutorily
prohibited hindsight cannot be used. *KSR*, 127 S.Ct. at 1742; *DyStar*, 464 F.3d at 1367.
Additionally, "it is impermissible to use the claimed invention as an instruction manual or
'template' to piece together the teaching of the prior art so that the claimed invention is rendered
obvious . . . . One cannot use hindsight reconstruction to pick and choose among isolated
disclosures in the prior art to deprecate the claimed invention." In re Fritch, 23 U.S.P.Q.2d 1780
(Fed. Cir. 1992).

The 35 U.S.C. § 103(a) obviousness rejections of claims 7, 17-20, 36 and 38 are
improper because the elements for a prima facie case of obviousness are not met. Specifically,
the rejection fails to meet the criterion that there must be a reason that would have prompted a
person of ordinary skill in the art to combine the elements in the manner claimed and the reason
is not based on Applicants' disclosure.

Claims 7, 17, 18, 19, 36

Applicants' independent claim 7, recites, in part:

7.   *A deframer* for a wireless communication device, comprising: ...
a state control unit operative to provide a first set of control signals indicative of
specific tasks to be performed for deframing based in part on the detected
bytes of specific values; and
*a conversion unit operative to deframe the received data based on the first set of
control signals* to provide deframed data and further operative to provide
a header word for each detected flag byte in the received data. (Emphasis
added.)

Applicants' independent claim 17, recites, in part:

17.   *A deframer* for a wireless communication device, comprising: ...
a state control unit operative to provide a first set of control signals indicative of

specific tasks to be performed for deframing based in part on the detected bytes of specific value; and

a conversion unit operative to deframe the received data based on the first set of control signals to provide deframed data, …. (Emphasis added.)

Applicants' independent claim 18, recites, in part:

18.   *A deframer* for a wireless communication device, comprising: …

a state control unit operative to provide a first set of control signals indicative of specific tasks to be performed for deframing based in part on the detected bytes of specific value;

a conversion unit operative to deframe the received data based on the first set of control signals …. (Emphasis added.)

Applicants' independent claim 19, recites, in part:

19.   An integrated circuit for a wireless communication device, comprising: …

a state control unit operative to provide a first set of control signals indicative of specific tasks to be performed for deframing based in part on the detected bytes of specific value;

a conversion unit operative to deframe the received data based on the first set of control signals …. (Emphasis added.)

Applicants' independent claim 36, recites, in part:

36.   *A framer* for a wireless communication device, comprising: …

a state control unit operative to provide a first set of control signals indicative of specific tasks to be preformed for framing based in part on the detected bytes of specific values;

a conversion unit operative to frame the received data based on the first set of control signals …. (Emphasis added.)

The Office Action introduces W. Simpson for teaching a specific framing format.

Applicants respectfully maintain the above-proffered arguments regarding Applicants' above-claim elements wherein the "state control unit" is separate from the "conversion unit", as claimed by Applicants. Applicants maintain the argument that Shacher teaches that framing/deframing is state machine-based and occurs in Shacher's transfer control circuit 312 which was alleged to be analogous to Applicants' "state control unit."

Accordingly, there would be not only **no** *"reason that would have prompted a person of ordinary skill in the relevant field to combine [prior art] elements"* in the manner claimed,

as required for a prima facie obviousness rejection under 35 U.S.C. § 103, there would be a

disincentive to combine the references since the functionality already exists in Shacher without

the combination of Aggrawal, albeit in functional elements and a data flow order different from

Applicants' claimed invention. KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742, 167

L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Accordingly, the rejection of

independent claims 7, 17-19 and 36 are improper and Applicants respectfully request the

rejection be withdrawn.

Claims 20, 38

> Applicants' independent claim 20, recites:

> 20.   A method of deframing an RLP packet of data comprising one or more
> PPP packets having a format defined by RFC1662, the method comprising:
> receiving the RLP packet, one word at a time;
> evaluating each byte of each received word to detect for flag and escape bytes;
> *providing status signals indicative of each detected flag and escape byte;*
> *removing the flag and escape bytes based on the status signals;*
> un-escaping a data byte following each detected escape byte;
> checking each PPP packet based on an FCS value associated with the packet; and
> providing deframed data. (Emphasis added.)

> Applicants' independent claim 38, recites, in part:

> 38.   A method of framing a packet of data to provide framed data having a
> format defined by RFC1662, comprising:
> receiving the packet of data, one word at a time;
> evaluating each data byte of each received word to detect for bytes to be escaped;
> *providing a status signal indicative of each data byte to be escaped;*
> *inserting an escape byte* for each data byte to be escaped and escaping the data
>   byte *based on the status signal;*
> inserting a flag byte in response to receiving a flag insert command;
> inserting an FCS value in response to receiving an FCS insert command; and
> providing framed data having the format defined by RFC1662. (Emphasis
>   added.)

Applicants' invention as claimed in independent claims 20 and 38 recite, in part,

"providing status signal[] indicative of ..." and separately "removing/inserting ... based on the

status signal[]". However, as argued above, Shacher teaches that deframing and framing occur

within the transfer control 312 and therefore there is no need to "provid[e] status signal[s]" since the deframing and framing are self contained within the transfer control 312. It should be noted that while Shacher's predetection circuit 308 provides inputs to Shacher's transfer control circuit 312, such inputs provide state information and are not used as inputs to Shacher's framing or deframing flow charts of FIGS. 11 and 15. Regarding any reason or motivation for combining Aggarwal, Applicants' sustain the above-proffered arguments, namely, there can be no motivation to provide extraneous and redundant functionality that would have no data including the operational characteristics upon which to operate.

Accordingly, there would be not only **no** *"reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements"* in the manner claimed, as required for a prima facie obviousness rejection under 35 U.S.C. § 103, there would be a **disincentive to combine** the references since the functionality already exists in Shacher without the combination of Aggrawal, albeit in functional elements and a data flow order different from Applicants' claimed invention. KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Accordingly, the rejection of independent claims 20 and 38 are improper and Applicants respectfully request the rejection be withdrawn.

Obviousness Rejection Based on U.S. Patent No. 5,671,223 to Shacher et al. in view of W. Simpson RFC 1662

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shacher in view of W. Simpson.

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) *must teach or suggest all the claim limitations.* *In re Royka*, 490 F.2d 981, 985 (CCPA 1974); *see also* MPEP § 2143.03. Additionally, there must be "a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. KSR Int'l Co. v. Tefle*x Inc.*, 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Finally, to establish a *prima facie* case of obviousness there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097

(Fed. Cir. 1986). Furthermore, the reason that would have prompted the combination and the reasonable expectation of success must be found in the prior art, common knowledge, or the nature of the problem itself, and not based on the Applicant's disclosure. *DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006); MPEP § 2144. Underlying the obvious determination is the fact that statutorily prohibited hindsight cannot be used. *KSR*, 127 S.Ct. at 1742; *DyStar*, 464 F.3d at 1367. Additionally, "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teaching of the prior art so that the claimed invention is rendered obvious . . . . One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fritch, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

The 35 U.S.C. § 103(a) obviousness rejection of claim 15 is improper because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the cited references must teach or suggest all of the claim limitations.

Claim 15

Applicants' independent claim 15, recites:

15.   *A deframer* for a wireless communication device, comprising:
an input interface unit operative to receive data to be deframed;
a detection unit operative to evaluate each data byte from the input interface unit to detect
    for bytes of specific values;
a state control unit operative to provide a first set of control signals indicative of
    specific tasks to be performed for deframing based in part on the detected bytes
    of specific values; and
a conversion unit operative to deframe the received data based on the first set of
    control signals to provide deframed data, and operative to deframe a block of
    data for each deframing operation, and further operative to provide a first header
    for a start of the data block. (Emphasis added.)

The Office Action introduces W. Simpson for teaching a specific framing format.

Applicants respectfully maintain the above-proffered arguments regarding Applicants' above-claimed elements wherein the "state control unit" is separate from the "conversion unit", as claimed by Applicants. Applicants maintain the argument that Shacher teaches that framing/deframing is state machine-based and occurs in Shacher's transfer control circuit 312 which was alleged to be analogous to Applicants' "state control unit." The Office Action has

conceded that Shacher does not teach or suggest "a conversion unit operative to deframe the received data" as claimed by Applicants and has repeatedly attempted to introduce Aggarwal to supplement the lack of such teaching. However, the present rejection is based solely upon Shacher in view of W. Simpson.

Therefore, Applicants respectfully assert that neither Shacher nor W. Simpson, either individually or in any proper combination, teach or suggest all limitations of Applicants' invention as claimed in independent claim 15. Accordingly, Applicants respectfully request the rejection of claim 15 be withdrawn.

CONCLUSION

Claims 5-7, 15, 17-20, 26, 33, 36 and 38 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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